

# **BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**

## **WORKSHOP MEETING – MARCH 7, 2011**

A Workshop Meeting of the Bal Harbour Village Council was held on Monday, March 7, 2011, at the Sea View Hotel (9909 Collins Avenue, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 7:05 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield  
Assistant Mayor Joni D. Blachar  
Councilwoman Patricia Cohen<sup>1</sup>  
Councilman Martin Packer  
Councilman Jaime M. Sanz

Alfred J. Treppeda, Village Manager  
Ellisa L. Horvath, MMC, Village Clerk  
Richard J. Weiss, Village Attorney  
Andrea Greenblatt, Administrative Assistant

As a quorum was determined to be present, the meeting commenced.

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Carolyn Travis, Village Director of Tourism Marketing.

**3. DISCUSSION OF THE PROPOSED EXPANSION OF BAL HARBOUR SHOPS:** Mayor Rosenfield explained the purpose of the workshop meeting.

Councilwoman Cohen arrived.

*John Shubin, Esq., Shubin & Bass, P.A., Representing the Bal Harbour Shops,* explained the intent to share and receive input regarding the Whitman vision for the future of Bal Harbour Shops. He explained that they would discuss how the retail needs of the Shops and the needs of the residents of the Village would result in a variety of alternative expansion plans. He clarified that the plans were very rough and would include the possibility of a new Village Hall.

Mr. Shubin discussed the special relationship and history over the years between the Village and the Shops. He explained that the Shops sat on the original barracks that housed the first taxpayers and incorporators of the Village, including Stanley Whitman in 1945. He reported that the Shops was opened in 1965. He discussed the reputation of the Shops for high-end quality. He noted that the Bal Harbour Shops was family owned and privately controlled. He discussed the positive relationship between the Village and the Shops.

Mr. Shubin explained their request to upgrade and expand the Shops, to stay competitive in the environment. He reviewed the Shops' role as a civic infrastructure and the heart of

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<sup>1</sup> Councilwoman Cohen arrived after the Pledge.

the Village. He noted that the Whitmans were not asking for the Village's money to upgrade the Shops, but explained that the expansion had the ability to dramatically support the Village financially and allow it to say no to future residential development, without having to worry about the impact on the Village's finances and growth.

Mr. Shubin explained that if the Shops didn't make the necessary changes through an expansion, it would risk falling behind the quality curve. He explained that the Shops would remain open during any expansion.

Mr. Shubin introduced Mr. Stanley Whitman, to discuss his vision for the Shops.

**Stanley Whitman, Bal Harbour Shops**, addressed the Council. He reviewed his history and the Shops history with the Village. He discussed the number of luxury merchants who wanted to come to the Shops but were unable to, due to the lack of space. He addressed the need for the Shops expansion, due to the lack of space and the risk of retailers going elsewhere, which would be bad for the Shops and the Village. He reported that Louis Vuitton wanted a larger space, but the Shops didn't have it so they were leaving. He noted that in addition to more stores there was a proposal for a high-end Cobb cinema and a venue by Barton G.

Mr. Whitman introduced his grandson, Matthew Lazenby, to review the ideas regarding the expansion, which were very rough plans.

**Matthew Whitman Lazenby** reviewed the existing layout of the Shops (via an architectural model) and adjacent buildings. He discussed a traffic stacking issue at the main entrance of the Shops onto Collins Avenue (south bound), which would be addressed in the proposed plans. He also discussed problems with the existing spiral ramp system for the parking garage, since it required drivers to have to enter each level, which the plans also addressed.

Mr. Lazenby reviewed the preliminary expansion plans (via an architectural model), utilizing the Church and Village Hall properties.

Mr. Lazenby explained that in order to address the traffic concern on Collins Avenue a plan was proposed, which was endorsed by the Florida Department of Transportation (FDOT), to turn a 90 foot right-of-way into a multi-lane entrance, which would eliminate or mitigate the stacking problem on Collins Avenue entering the Shops.

Mr. Lazenby explained that the proposed expansion would include a department store on the corner of 96th Street and Bal Bay Drive. He discussed plans to include a 100,000 square foot (approximately 50 additional stores - a 50% increase) addition for stores, anchored by a 90,000 square foot specialty department store (equal to the size of Neiman Marcus). He discussed the proposal to relocate the Church by the Sea and Village Hall to other locations. He explained that the Shops was working with the Church by the Sea to relocate to the intersection of Park Drive and Bal Bay Drive (one proposal). He proposed also building a new Village Hall at the site of the current Public Works site, to create a civic center between the Shops, Village Hall, and the Church.

Mr. Lazenby reviewed three different architectural renderings, which displayed ideas for the face of the Shops along 96th Street, which would be the emphasis of the expansion. He reported that they liked all the plans and didn't have a preference at this point.

Mr. Lazenby named Barneys, Bergdorf Goodman and Bloomingdale's Soho as possible tenants to occupy the 90,000 square foot department store space.

Mr. Lazenby reviewed renderings for several proposed improvements to Bal Bay Drive. The first proposal showed a single security gate around the same location as the existing one. The second proposal, with a more drastic change to the existing, showed lush landscaping along Bal Bay Drive with pavers and fountains, using Village land since it encroached on that. Another plan showed two security gates further north (one on Bal Bay Drive and one on Park Drive), in lieu of the existing one.

Mr. Lazenby reviewed a proposed new entrance to the Shops on Bal Cross Drive, which would be a 90-foot multi-lane entrance on an existing right of way. He noted that proposal would include drastic improvements including trees, fountains, and pavers. He explained that the existing access to the Fairfield Manor would be maintained in that proposal.

Mr. Lazenby reviewed slides for the proposed Village Hall site. He explained that it would be up to the Council on how the Village Hall would look. He noted that one plan showed the park being relocated and the second one showed the park remaining at its current location.

Mr. Shubin explained that there were also additional proposed uses, as part of the proposed expansion.

Mr. Shubin introduced Barton G, world-renowned restaurateur and event planner.

**Barton G. Weiss, Barton G**, reviewed the history of the Barton G brand. He shared his vision for a multi-purpose venue (ballroom/event space), to meet the needs of the community. He discussed the venue being used for fashion shows, social galas, celebrations, corporate business meetings, weddings, fashion shoots, charity benefits, etc. He explained the positive aspects including increased sales, collaborative on events, the ability to cater to a large crowd, prestigious brands, co-branding, increased resort tax, increased sales at the Shops, increased room nights at Bal Harbour hotels, and the regional draw.

Mr. Shubin introduced Mr. Welman, to present the concept of a Cinebistro.

**Jeremy P. Welman, Chief Operating Officer - Cobb Theatres**, reviewed slides and the history of the Cobb Theatres since 1921, with over 200 screens in the southeastern United States today. He discussed the proposal for a Cobb Theatre Cinebistro, which would be a fully integrated premium cinema and dining concept. He explained that they would provide premium in-theatre dining, for those 21 and older. Mr. Welman discussed the concept for reserved seating, concierge service, valet parking, chef-driven menus, extensive wine cellar and top shelf full service bar, digital sound cinema, etc. He explained that the proposal would be for five to six screens, with 450 leather rocking seats.

Mr. Shubin introduced Mr. Dabby, to discuss the projections to the economic impact of the proposed expansion to the Village.

**David Dabby, Dabby Group**, real estate and valuation consultant, reviewed the financial benefits of the expansion. He noted that everyone had a stake in protecting the Shops' position of prominence and quality, since the Shops directly benefitted all of the households, through a direct financial benefit and a quality of life benefit. He reviewed a

slide presentation. He reported that the Shops was the largest contributor of real estate taxes to the Village (\$428,000 last year/close to \$500,000 including personal property taxes). He explained that when all of the other taxes and financial benefits of the existing Shops were considered the amount increased to \$1,511,000 (including real estate and personal property tax, resort tax, occupational licenses, liquor taxes, electrical franchise taxes, utility taxes, communications services taxes, and the half-cent sales tax). He explained that the proposed expansion would increase that amount (with a first year projection of \$3,981,000.00 as direct financial benefit to the Village or 27% of the total revenues). He reported that after that the annual benefit projected would be \$2,462,000.00, or 17% of total revenues collected by the Village. He added that over a ten-year period, the existing Shops would have a \$19 million cumulative direct impact. He noted that with the proposed expansion impact the projection would be \$31 million. Mr. Dabby explained that on a per unit basis, it would amount to \$10,800.00 per household, over 10 years, of a direct financial benefit in terms of taxes. He discussed that as being a tremendous financial benefit to each household, in addition to a benefit of the Shops supporting the premium real estate values that existed in the Village as well as the quality of life. He discussed the importance to enhance the Shops over the years, to accommodate retailers and to prevent them from moving to other facilities.

Mr. Shubin urged the Council and residents to consider the expansion through some sort of process going forward, at the next or a future Council meeting.

Mayor Rosenfield opened the meeting to public comment.

**Leigh Anderson, 9800 Collins Avenue – Fairfield Manor**, discussed the Shops proposal to move their entrance to be in front of the Fairfield Manor (Bal Cross Drive). She was under the impression that the Fairfield owned a portion of the road and the Shops owned the other portion. She noted that nobody had come to the Fairfield Manor regarding any input or compensation for their land. Mr. Whitman clarified that the plat book (PB 44-98) was clear that all of the streets in the residential area were dedicated to the use and enjoyment of the adjoining property owners. He explained that the Shops didn't own half of the street and the Fairfield Manor didn't own half of the street, but they both had a right in the record plat (an easement) to its use and enjoyment. Ms. Anderson questioned the amount of her property that would be taken and how much she would be compensated. Mr. Whitman explained that a large portion of the Fairfield Manor front lawn was in the 90 foot right-of-way.

**Juan Arcila, managing partner of Bal Harbour Quarzo Hotel**, spoke in favor of the expansion.

**Allen Fisher, A Senior Vice President with SunTrust Bank**, spoke in favor of the expansion.

**Frederic Mark, on behalf of his Chairman Mr. Tony Moray who purchased the Beach House Hotel site in Surfside**, spoke in favor of the expansion.

**Dan Holder, 24 Bal Bay Drive, President of Shaker Villas**, voiced concern with moving the Security District gate, closing part of the Shaker Villas driveway, noise from the Church bells, music from outside venues, and traffic. He spoke on the importance of maintaining a peaceful place to live.

**Ernest Halpern, 9999 Collins Avenue**, spoke against the expansion, due to noise and

traffic.

**Don Orner, 10245 Collins Avenue**, questioned who would pay for the costs for the plans. Mr. Shubin explained that there would be no expenditure of public funds or public credit.

**Lisa Morales, the Palace 10101 Collins Avenue**, voiced concern with additional parking needs, additional cost for police/security, traffic, entrance/exits for holidays, etc. Mr. Shubin explained the increased parking areas and advised that a site study would be conducted to address traffic issues/concerns.

**Mr. Ratzker, 10155 Collins Avenue**, voiced concern regarding adequate parking and requested that environmental studies (carbon dioxide, etc.) be done.

**Steve Greenberg, Fairfield Manor**, voiced concern about the entrance to the Shops in front of the Fairfield Manor and spoke against closing the Shops entrance on Collins Avenue. He suggested providing additional lanes within the Shops property, not the Fairfield Manor property. He voiced concern regarding traffic for the Fairfield Manor residents and its affect on their property value. He was also concerned with the affect on the pedestrian access gate that was located on that street. Mr. Lazenby explained that the plans were preliminary and he was happy to discuss them with the Fairfield Manor residents. Mr. Greenberg discussed concern regarding the length of time for construction and its affect on the residents.

**Betsey Bystock, 80 Park Drive**, requested that the Shops provide a proposal that had positive changes and didn't negatively affect the Fairfield, Shaker Villas, etc. and would not create more problems to impact the Village.

**Stuart Sobel, 271 Bal Cross Drive**, discussed the life-style center that was being proposed. He questioned if the new Village Hall would include a police station or if the station would stay at the Shops. He spoke in favor of the expansion being considered and the Village seeing if the proposal met the needs of the community.

**Dorothy Blau, 10245 Collins Avenue**, discussed how special the Shops and Village are.

**Brian Mulheren, 10245 Collins Avenue**, voiced concern about parking, traffic, and noise. He discussed the revenue projection, but noted that it wasn't about the money. He discussed the lack of green space, recreation space, etc. in the Village. He questioned what compensation the Village would receive. He noted that there wasn't an agreement with the Church to sell their property and there wasn't a negotiation with the Village. He thought that some expansion was okay, but not a catering hall and movie theatre.

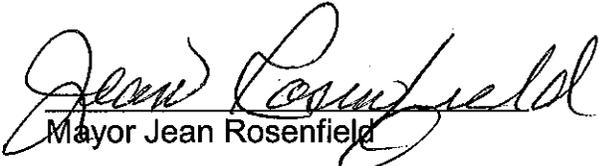
Mayor Rosenfield closed the meeting to public comment. She clarified that the Council had been open and hadn't made any conclusions on the issue. She explained that the Council would have further open discussions on the issue.

**4. ADJOURN:** There being no further business, the meeting was adjourned by consensus of the Council at 8:53 p.m.



Attest:

  
Ellisa L. Horvath, MMC, Village Clerk

  
Mayor Jean Rosenfield